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vigorously in its task of mutual benefit. It is to be hoped that its labor will produce good results since among its resources it may count upon some of the best intelligence in the hemisphere. No small role in its work has been assigned to some distinguished countrymen of Dr. Malagarriga himself.

To sum up, the book under consideration gives evidence of laborious study, a satisfactory assimilation on the part of the author of prevailing doctrines of law and an excellent comprehension of the matter as a whole. Nevertheless, there is a certain lack of maturity naturally due to the youth of the author, and a certain undue readiness to suspect others. It is to the interest of us all that the latter weakness be held in check, not alone among jurists but among all who write and speak.

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An Outline Sketch of English Constitutional History. By George Burton Adams. Published by Yale University Press, New Haven. 1918. pp. 208. \$1.75.

What Professor Adams has heretofore written on the English constitution has been addressed primarily to students and specialists in the field of medieval English constitutional history, and to them his teaching is well known. It is summed up in his *Origin of the English Constitution*, a work published in 1912. The present volume he clearly intends for a wider public. It is brief in compass, non-technical in language and not freighted with the paraphernalia of historical research wherewith to deter non-academic readers from its perusal. It should prove valuable and stimulating to all who desire to acquaint themselves with the origin and development of Anglo-American conceptions of government and liberty. It is, however, a popular treatise on the English limited monarchy, the subject with which Mr. Adams' research has been concerned, rather than what he calls it, an outline sketch of English constitutional history, and it contains no account of many institutions of government that fall within the scope of the title which he has chosen.

What is most original and significant in Mr. Adams' teaching is explained in large measure by the point of view from which he first approached the study of English institutions. He is not an Englishman and unlike the classical constitutional historians of England his outlook has never been insular. His starting point was not the history of England at all, but continental, and especially Frankish feudalism; and it was his belief that the English constitution is of feudal origin that first turned his attention to its study. The weight of recent expert opinion, based upon laborious investigations in the sources of medieval English institutional history, not a little of which Mr. Adams has himself inspired, undoubtedly supports his argument. According to this, the central government of England is of Norman-French rather than of Saxon origin, as the classical school held; modern English political institutions have grown out of the feudal assembly of the Anglo-Norman kings; and the limited monarchy is derived from the idea of contract implied in the feudal relationship between the king and his barons, an idea that was first given institutional expression in Magna Carta.

What that much-quoted and much-misrepresented document really did, says Mr. Adams,

"was to lay down two fundamental principles which lie at the present day, as clearly as in 1215, at the foundation of the English constitution and of all constitutions derived from it. First that there exist in the state certain laws so necessarily at the basis of the political organization of the time that the king,

or as we should say today the government, must obey them; and second that, if the government refuses to obey these laws, the nation has the right to force it to do so, even to the point of overthrowing the government and putting another in its place."

Magna Carta does not indeed contain any formal statement of the right of deposition, though it legalizes temporary insurrection if the king will not obey the law, but Mr. Adams insists that the right was logically involved in it, and that the principle upon which the nation acted in the political revolutions that followed, in 1327, 1399 and 1689, is to be found in its famous sixty-first clause.

With the rapid decline of feudalism as a political system in the thirteenth century, and the beginnings of a national organization of the state, the earlier idea of a feudal contract between king and barons broadened out into the conception of a contract between king and nation. After the period of the Lancastrian government, which, Mr. Adams tells us, was almost modern in form, came a reaction to practical despotism under the Tudors, a despotism which the Stuarts strove to provide with a theoretical and philosophical justification. But divine right and royal absolutism were finally swept from the field by the revolutions of the seventeenth century which assured the triumph of the fundamental principle of the constitution, the subjection of the government, to the law. The growth of the cabinet as an institution of government, together with the extension of the franchise and the restriction of the powers of the House of Lords, has made possible the existence of a democratic republic under the forms of a monarchy. Such in baldest outline is Mr. Adams' interpretation of English constitutional history.

It may be noted in passing that the use of the word "nation," without qualification, to describe the body politic of England in times prior to the nineteenth century, is likely to cause misapprehension in the minds of readers who have not acquired the habit of thinking historically. They might, for example, infer from what Mr. Adams says that it was the people who effected the Revolution of 1399. But in reality the Parliament which deposed Richard II was the same institution that had done its utmost to suppress the most genuinely popular movement of the middle ages, the Peasant Revolt of 1381; it was quite as vigorously opposed to the "people" as to a despotic king.

Mr. Adams' interpretation is, as he would probably be the first to admit, purely institutional, and as such it cannot fully explain the English constitution or the limited monarchy. For, as he has himself said elsewhere, there are two sets of causes in all institutional history. There are environmental conditions which make new institutions necessary, and there are old institutions upon which these conditions act to transform them into new institutions. Expressing the same fact in another way, we may say that there are two factors in the production of every crop of institutions, soil and seed, and both are necessary. An acorn dropped in the desert does not grow into an oak. Granted that the contract idea of feudalism is the germ whence has sprung the English limited monarchy, it does not of itself afford a sufficient explanation of the limited monarchy. There was the same idea in French feudalism, but the French monarchy became absolute, not limited. The soil, the environmental conditions, which enabled a conception common to all feudal relationships to grow in England alone into limited monarchy, with all that is implied in that term, lies outside the realm of institutional history proper.

Mr. Adams rightly emphasizes the ecumenic character of the English constitution. Too often we allow ourselves to think of it as a system peculiar to England. In reality it belongs, in varying degrees, to almost every modern people either by inheritance or through adoption. Two facts explain the spread of English political institutions throughout the world. The first is the spread of the English race by colonization, carrying with it naturally and

inevitably the laws and institutions of the home land. The second is the copying, more or less conscious, by alien peoples of the English constitution. When the absolute monarchies of the continent of Europe were falling before the forces of revolution and reform, liberals everywhere looked to England as the exemplar of political liberty, and in many cases frankly borrowed her institutions. Wherever the representative legislature and responsible government and guaranties of individual liberty exist to-day, there is indebtedness to England, and this is as true of countries that are republican in form as of those that are monarchical. But no country outside of the British Empire is so peculiarly and palpably English in its laws and institutions as our own. All of what is fundamental in our political system—the supremacy of law over the government, the representative system, individual liberty, the sovereignty of the people—is derived institutionally from England and from nowhere else, a fact which the relatively superficial differences between a republic and a constitutional monarchy should not be permitted to obscure. With us, however, there has been no importation of an alien system; the process has been one of inheritance and adaptation. The thread of Anglo-American institutional history was not cut by the American Revolution. Indeed the principles of government and liberty proclaimed by the Declaration of Independence were as truly English as the language in which they were expressed, and a people that cherishes this document as its birth certificate can never view the winning of English liberty as an alien theme.

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